

REMARKS

This Response is made to the Office Action dated August 25, 2004. Claims 1-48 are pending in this application. Of these claims, claims 6, 9-28, 30, and 34-48 have been withdrawn in view of a previous restriction and election of species requirement.

Applicants note that the Examiner has rejected claims 15, 18-20, 34 and 35; however, these claims were previously withdrawn without prejudice in Applicants' Amendment filed on April 22, 2004. Applicants thank the Examiner for reconsidering claims 2, 7 and 8 which the Examiner previously withdrew from consideration based upon the Examiner's initial belief that the claims were drawn to a non-elected species.

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

The Examiner has rejected claims 1, 3, 4, 5, 7, 15, 18, 19, 20, 29, 31 and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,473,067 to Schiff (the "Schiff patent"). Applicants again submit that the Schiff patent fails to disclose a sheath which has a resealable longitudinal joint as recited in pending independent claims 1 and 29. The Examiner states at page 4 of the Office Action that the Examiner believes that the Schiff patent discloses a sheath having a resealable longitudinal joint and cites column 10, lines 3-31 to support this position. However, Applicants have carefully reviewed this particular passage of the Schiff patent and find no supporting disclosure for a resealable longitudinal joint. Rather, the passage in the Schiff patent merely shows the use of a scored line 98 aligned with the longitudinal axis of the sheath 96. According to the Schiff patent, the score line 98 or groove is of sufficient depth to cause the sheath 96 to split along the score line 98. The scoring may be placed on the interior surface of the sheath or arranged on both the interior and exterior surfaces as is shown in FIG. 9b of the Schiff patent. However, there is no disclosure in this particular passage of any structure of the sheath that even remotely results in a resealable longitudinal joint. The remaining specification and drawings of the Schiff patent also fail to disclose any wording or

structure directed to a resealable longitudinal joint. Therefore, Applicants submit that the claimed invention is simply not disclosed in the Schiff patent. Applicants respectfully request the Examiner to withdraw the Schiff patent as an anticipatory reference.

The Examiner has rejected claims 1, 3, 4, 5, 15, 18, 19, 20, 29, 33, 34, and 35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,159,198 to Gardeski et al. (the "Gardeski patent"). Applicants have carefully reviewed the Gardeski patent and note that the Gardeski patent also lacks any disclosure of a resealable longitudinal joint associated the delivery sheath. For this reason alone, the Gardeski patent fails to disclose the claimed invention. Applicants note that the Examiner fails to mention the claimed feature of the resealable longitudinal joint when addressing the disclosure of the Gardeski patent. Rather, the Examiner states in the Office Action that Applicants have simply claimed a longitudinal joint. This is not the case as all of the pending claims are directed to particular disclosed embodiments directed to a sheath having a resealable longitudinal joint. Again, the Gardeski patent simply fails to disclose a sheath with a resealable longitudinal joint. Applicants again respectfully request the Examiner to withdraw the Gardeski patent as an anticipatory reference.

Claims 2 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schiff patent. These dependent claims depend from independent claim 1. For at least the reason addressed above with respect to claim 1, the particular combination of elements recited in the dependent claims is not shown in the Schiff patent or the Gardeski patent. Allowance of these dependent claims is respectfully requested.

It is believed that the presently claimed invention recited in independent claims 1 and 29 are specifically broad enough to cover the species which were previously withdrawn in response to the election of species requirement. Accordingly, Applicants respectfully request the Examiner to allow claims 6, 9-14, and 30 which were withdrawn from further prosecution in view of this election of species requirement.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney

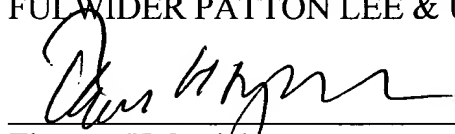
can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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